

REMARKS

The application has been amended and is believed to be in condition for allowance.

Previously claims 1-14 were pending. New claims 15-20 are added. Support for the recitations of these new claims can be found on application page 10, the first two full paragraphs.

The Official Action rejected claims 1-14 as obvious over YAMADA et al. JP 2002-134169 (machine translation).

The Official Action is correct that the reference does not teach a halogen atom as part of the electrolyte salt.

The Official Action is also correct that the reference teaches that "to the nonaqueous electrolyte of this invention, in order to give fire retardancy, the flame retarder of a halogen system, the Lynn system, and others can be suitably added as a flame retarder". This is disclosed in paragraph [0053].

This disclosure does not either teach or suggest that recited by independent claim 1. Independent claim 1 specifically recites the invention as having a halogen atom bonded to the silicon atom. This is clearly recited by formula (I). Adding a halogen system to the electrolytic solution does not bond a halogen atom to the silicon atom. Accordingly, independent claim 1 is neither anticipated nor rendered obvious by this reference.

Indeed, the present application indicates that the inventive nonaqueous electrolytic solution can be made flame retardant by the addition of an appropriate flame retardant. See

new claims 15-16. These claims are also believed to be patentable in that in combination with the electrolyte salt recited by claim 1, the invention is both novel and non-obvious.

Although the reference teaches adding a halogen system for the purposes of flame retardancy, the reference does not teach or suggest bonding a halogen to the silicon compound. Nor does the reference teach the advantages of the present invention so as to accomplish excellent cycle characteristics and low-temperature characteristics such as reduced changes in electrical capacity and internal resistance in charge and discharge cycle repetition, and the capability of maintaining high electrical capacity due to the reduced change in internal resistance at low temperatures.

The use of the silicon compound of the applied reference does not achieve the advantages of the present invention. This is apparent, for example, from the comparison between Run No. 3 of Example and Run Nos. 2 and 3 of the Comparative Example shown in Table 1 of the present specification. Comparative compounds A and B, which are the silicon compounds used in Run Nos. 2 and 3 of the Comparative Example, are equivalent to the silicon compound of the cited reference.

In that the silicon compound of the applied reference does not teach the structure of the present invention, nor suggest the structure of the present invention, nor the

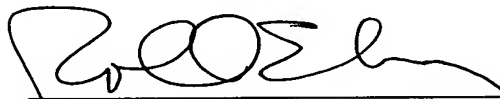
advantages thereof, claim 1 as well as the claims depending therefrom is believed to be both novel and non-obvious.

Accordingly, reconsideration and allowance of all the pending claims are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REL/lrs